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09/742,709	12/20/2000	Anders Heie	NC 29319	9107

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EXAMINER

LEE, JOHN J

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 08/01/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/742,709

Applicant(s)

HEIE, ANDERS

Examiner

JOHN J LEE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 14-31 and 34-40 is/are rejected.
- 7) ☒ Claim(s) 12, 13, 32 and 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 36 and 37** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 36 is indefinite because it depends on itself.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-6, 8, 10, 14, 15, 21-26, 28, 30, 34, and 35** are rejected under 35 U.S.C. 102(e) as being anticipated by Hirayama (US Patent number 6,044,262).

Regarding **claim 1**, Hirayama discloses that a method of providing a notification of a received message in an electronic device, the method comprising the steps of:

detecting motion of the electronic device (Fig. 1) (abstract and column 2, lines 24 – column 3, lines 21);

determining a mode of the electronic device (Fig. 1) upon detecting a motion of the electronic device (Fig. 1 and column 3, lines 41 – column 4, lines 64); and

executing an alert (informing sound) if it is determined that said mode determined in the step of determining is a sleep mode (not in motion situation, if control part determines that the condition is not in motion, and carries out determination to the answering mode) (column 5, lines 30 – column 7, lines 30 and Fig. 1, 4).

Regarding **claim 2**, Hirayama discloses that activating a motion sensor (Fig. 1 teaches arrival signal mode memory part (12) that determines condition of motion of the wireless telephone and performing to set activation or diactivation) for monitoring the motion of the electronic device, prior to the step of detecting motion of the electronic device (column 4, lines 7 – column 5, lines 64 and Fig. 1, 4).

Regarding **claim 3**, Hirayama discloses that receiving, in the electronic device, the message, prior to the step of activating a motion sensor (Fig. 4 teaches that received signal is detected by the control part and the control part sets the activation setting (the “in-motion setting, see column 5, lines 51 - 65) (column 5, lines 10 – column 6, lines 58 and Fig. 1, 4).

Regarding **claim 4**, Hirayama discloses that determining the mode of the electronic device, after the step of receiving the message (Fig. 4 and column 5, lines 10 – column 6, lines 58).

Regarding **claim 5**, Hirayama discloses that executing an first alert if determined that the mobile terminal is in the first mode, after the step of determining the mode of the

electronic device and prior to the step of activating said motion sensor (column 4, lines 7 – column 5, lines 64 and Fig. 1, 4).

Regarding **claim 6**, Hirayama discloses that executing the first alert comprises a step of executing a standard alert selected by the user of the electronic device (column 4, lines 7 – column 5, lines 64 and Fig. 1, 4).

Regarding **claim 8**, Hirayama discloses that executing a standard alert comprises a step of executing an audible type alert (column 4, lines 7 – column 5, lines 64 and Fig. 1, 4).

Regarding **claim 10**, Hirayama discloses that executing a second alert, if determined that the electronic device is in the second mode, after the step of determining the mode of the electronic device and prior to the step of activating said motion sensor (column 4, lines 7 – column 5, lines 64 and Fig. 1, 4).

Regarding **claim 14**, Hirayama discloses that setting the mode of the electronic, prior to the step of determining if the electronic device is set to said first mode or said second mode (column 5, lines 10 – column 6, lines 58 and Fig. 1, 4).

Regarding **claim 15**, Hirayama discloses that executing said alert comprises a step of executing a set of alerts (Fig. 1 and column 4, lines 7 – column 5, lines 64).

Regarding **claim 21**, Hirayama discloses all the limitation, as discussed in claim 1. Furthermore, Hirayama further discloses that a processor (3 in Fig. 1) coupled the motion sensor (12 in Fig. 1) (Fig. 1 and column 4, lines 7 – column 5, lines 64).

Regarding **claim 22**, Hirayama discloses all the limitation, as discussed in claims 2 and 21.

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Regarding **claim 23**, Hirayama discloses all the limitation, as discussed in claims 3 and 21.

Regarding **claim 24**, Hirayama discloses all the limitation, as discussed in claims 4 and 21.

Regarding **claim 25**, Hirayama discloses all the limitation, as discussed in claims 5 and 21.

Regarding **claim 26**, Hirayama discloses all the limitation, as discussed in claims 6 and 21.

Regarding **claim 28**, Hirayama discloses all the limitation, as discussed in claims 8 and 21.

Regarding **claim 30**, Hirayama discloses all the limitation, as discussed in claims 10 and 21.

Regarding **claim 34**, Hirayama discloses all the limitation, as discussed in claims 14 and 21.

Regarding **claim 35**, Hirayama discloses all the limitation, as discussed in claims 15 and 21.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 7, 9, 11, 16-20, 27, 29, 31, and 36-40** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirayama in view of Abe et al. (US Patent number 6,249,668).

Regarding **claims 7 and 9**, Hirayama does not specifically disclose the limitation “executing a standard alert comprises a step of executing a vibrate type alert and a visual type alert”. However, Abe discloses the limitation “executing a standard alert comprises a step of executing a vibrate type alert and a visual type alert” (Fig. 1, 3 and column 4, lines 12 – column 5, lines 38).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made to modify the Hirayama system as taught by Abe.

The motivation does so would be to achieve efficient mobile informing services for users in mobile device.

Regarding **claim 11**, Hirayama discloses that selecting said second alert from said list of alerts, prior to executing said second alert.

Regarding **claim 16**, Hirayama does not specifically disclose the limitation “executing said set of alerts comprises a step of executing a plurality of same type alerts”. However, Abe discloses the limitation “executing said set of alerts comprises a step of executing a plurality of same type alerts” (Fig. 1, 3 and column 4, lines 12 – column 5, lines 38).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made to modify the Hirayama system as taught by Abe.

The motivation does so would be to provide varying mobile informing services for users in mobile device.

Regarding **claim 17**, Hirayama does not specifically disclose the limitation “executing each said same type alert with varying strength and duration”. However, Abe discloses the limitation “executing each said same type alert with varying strength and duration” (Fig. 1, 3 and column 4, lines 12 – column 5, lines 38).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made to modify the Hirayama system as taught by Abe.

The motivation does so would be to enhance mobile controlling device for saving battery power in mobile communication system.

Regarding **claims 18-20**, Hirayama does not specifically disclose the limitation “executing a plurality of audible type alerts, visual type alerts, and vibrate type alerts”. However, Abe discloses the limitation “executing a plurality of audible type alerts, visual type alerts, and vibrate type alerts” (Fig. 1, 3 and column 4, lines 12 – column 5, lines 38).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made to modify the Hirayama system as taught by Abe.

The motivation does so would be to improve mobile notification service for users in mobile communication system.

Regarding **claim 27**, Hirayama and Abe disclose all the limitation, as discussed in claims 7 and 21.

Regarding **claim 29**, Hirayama and Abe disclose all the limitation, as discussed in claims 9 and 21.

Regarding **claim 31**, Hirayama and Abe disclose all the limitation, as discussed in claims 11 and 21.

Regarding **claim 36**, Hirayama and Abe disclose all the limitation, as discussed in claims 16 and 21.

Regarding **claim 37**, Hirayama and Abe disclose all the limitation, as discussed in claims 17 and 21.

Regarding **claim 38**, Hirayama and Abe disclose all the limitation, as discussed in claims 18 and 21.

Regarding **claim 39**, Hirayama and Abe disclose all the limitation, as discussed in claims 19 and 21.

Regarding **claim 40**, Hirayama and Abe disclose all the limitation, as discussed in claims 20 and 21.

Allowable Subject Matter

7. Claims 12, 13, 32, and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fails to disclose “selecting said second alert from said list of alerts comprises a step of selecting an efficient alert that consumes the least amount of battery power” as specified in the claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cannon et al. (US Patent number 5,568,134) discloses Selective Call Receiver With Computer Interface Message Notification.

Ohtsuki (US Patent number 5,861,818) discloses Radio Paging Selective Receiver With Display for Notifying Presence of Unread Message Based on Time of Receipt.

Kudoh (US Patent number 6,133,848) discloses Radio Pager Displaying Transmission Notification Message.

Any response to this action should be mailed to:

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or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-6606 (for informal or draft communications, please label
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

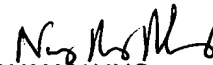
Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John J. Lee** whose telephone number is **(703) 306-5936**. He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00 pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Nay**

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Aung Maung, can be reached on (703) 308-7745. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

J.L
July 16, 2003

John J Lee


NAY MAUNG
PRIMARY EXAMINER